

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated February 2, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 1, 7, 9, 15, 17, 20, 23, 25, and 28 are amended. Claims 1 through 30 remain pending. Of these, claims 1, 7, 9, 15, 17, 20, 23, 25, and 28 are independent.

In the outstanding Office Action, claims 5 and 13 were objected to for being of improper dependent form for failing to limit the subject matter of a previous claim. Applicant respectfully traverses and holds that the subject of the stated dependent claim is not inherently or intrinsically defined or stated within the body of the independent claims from which they depend. Each of these dependent claims recites a pairing code specific to the wireless device, which is more specific and limiting of the broader independent claims from which they depend. A pairing code specific to the wireless device means that the pairing code is different to connect, for instance, a Bluetooth headset with phone A versus phone B. In the independent claims of question, namely claims 1 and 9, the pairing code does not have to be specific to the respective wireless device. Thus, claims 5 and 13 are more limiting than the independent claims from which they depend and are proper dependent claims. A withdrawal of the objection and an expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 7, 17-18, 28 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (U.S. Patent Application No. 2002/0065663). It is asserted that Thomas discloses the devices and methods for pairing wireless devices claimed by applicant in the present invention. Applicant respectfully traverses.

Neither Thomas, nor any other related art of record, teaches or fairly suggests the present invention as recited in the pending claims. For example, Thomas does not teach a first wireless

device identifying a second wireless device, including a type and a model of the second wireless device. This element is present in each of the independent claims and is disclosed, for instance, in paragraph [0030] of the specification. A phone, for example, can identify the type and model of a hands-free set and pass on that identity to the network or select from identities within the phone. This allows the wireless device to gain the correct encrypted keys in order to establish an encrypted connection between the phone and hands-free set. Thomas discloses devices communicating over the public internet (Thomas, Paragraph [0019]). At most, Thomas teaches outputting an IP address in the form of speech over a speaker (Thomas, Paragraph [0020]). However, nowhere does Thomas disclose one wireless device identifying a second wireless device. A user in Thomas must know and enter a website the user wishes to access. Devices in Thomas are not identifying each other, they are simply accessing these entered websites. Because Thomas does not teach these elements as recited, Thomas cannot anticipate the present claims. Thus, the rejection should be withdrawn and the claims allowed to issue.

Furthermore, with respect to independent claims 17, and 28, Thomas also fails to teach locating pairing information for the second wireless device. The first wireless device locates pairing information for the identified device from a repository of such information for various devices. Nowhere does Thomas disclose locating any such pairing information. For at least this reason, the rejection should be withdrawn.

With respect to claim 28, Thomas also does not disclose a method for secure communication between wireless devices. The pairing information in Applicant's invention is not merely a network addresses as is disclosed in Thomas. Applicant's invention teaches a method wherein a series of codes is inputted into a second wireless device such that the devices are paired in a secure wireless session. On the other hand, Thomas discloses a method where a

user of a device repeats the network address of the device to a second device thereby facilitating communication over a public network. Since Thomas does not disclose a method for secure communication between wireless devices, Thomas cannot anticipate claim 28.

Because Thomas does not teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Thomas. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Actions, claims 1-3, 5, 9-11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Silvester et al. (U.S. Pat. 7,254,708). It is asserted that Thomas substantially discloses a method and apparatus according to the present invention as recited in the claims, but for an encryption key that is unique to each first and second wireless device. It is further alleged that Silvester does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Thomas, nor Silvester, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither Thomas nor Silvester teach or fairly disclose a first wireless device identifying a type and model of a second wireless device. As stated above, a phone, for example, can identify the type and model of a hands-free set and pass on that identity to the network or select from identities within the phone. This allows the wireless device to gain the correct encrypted keys in order to establish an encrypted connection between the phone and hands-free

set. As stated above, Thomas does not disclose any such identity. Since Thomas does not disclose identifying the second wireless device, Thomas does not teach a system or method for secure pairing of wireless devices.

Furthermore, Silvester fails to cure the deficiencies in Thomas because Silvester does not disclose a method or apparatus wherein a first wireless device identifies a type and model of a second wireless device. Silvester teaches device authentication and set-up (Silvester, Column 3, Lines 12-16). At best, Silvester discloses detecting a wireless device in range (Silvester, Column 3, Lines 14-17). However, Silvester does contain any mention of the device type and model. In the present invention, this type and model is used to reference stored pairing information, either in the device or on the network. Silvester simply lacks this element. Also, the mode wherein Silvester allows for audio authentication requires setup before the user can use this mode. In Silvester, an audio authentication unit is utilized in order to request audio device identification information assigned to the device by a user (Silvester, Column 11, Lines 45-53). This audio device identification information replaces the initialization key utilized by Bluetooth (Silvester, Column 11, Lines 45-53). The present invention does not require the user to set up any kind of identification. The user is not forced to replace a Bluetooth initialization key at all. Thus, Silvester actually teaches away from the present invention because it teaches not to use an initialization key and for user actions. Therefore, Silvester cannot cure the deficiencies of Thomas. For at least this reason, the rejection should be withdrawn.

Thus, neither Thomas nor Silvester, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further

distinguish the claims from any teaching or suggestion by Thomas or Silvester. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding office action, claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Cannon et al. (U.S. Patent No. 7,155,163). It is asserted that Thomas substantially discloses a method and apparatus according to the present invention as recited in the claims, but for device pairing codes common to a particular model of wireless device. It is further alleged that Cannon does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Claim 29 is dependent upon independent claim 28, which has been traversed above. Claim 29 adds further features that, in combination with the features presented in the independent claim, clearly further distinguish the claim from any teaching or suggestion by Thomas or Cannon. Cannon at most discloses using a passcode for authentication (Cannon, Column 3, Lines 10-15). In no way can this cure the deficiencies of Thomas. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Silvester and further in view of Cannon. It is

asserted that Thomas in view of Silvester substantially discloses an apparatus according to the present invention as recited in the claims, but for device pairing codes common to a particular model of wireless device. It is further alleged that Cannon does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Claims 4 and 12 are dependent upon claims 1 and 9, which have been traversed above. These claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claim from any teaching or suggestion by Thomas, Silvester, or Cannon. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Silvester and further in view of Haller et al. (US Patent 6,845,097). It is asserted that Thomas in view of Silvester substantially discloses an apparatus according to the present invention as recited in the claims, but for audio information corresponding to DTMF tones. It is further alleged that Haller does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Claims 6 and 14 are dependent upon claims 1 and 9, which have been traversed above. These claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claim from any teaching or suggestion by

Thomas, Silvester, or Haller. At most, Haller discloses a user entering a PIN into a device to pair devices (Haller, Column 2, Lines 5-11). This in no way cures the deficiencies of Thomas and Silvester. Additionally, it requires user intervention and is thus very different than the present invention. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 8, 15-16 and 19-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Haller. It is asserted that Thomas substantially discloses an apparatus according to the present invention as recited in the claims, but for speech signals applied to a network to affect device pairing. It is further alleged that Haller does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

With respect to the independent claim 15, neither Thomas nor Haller, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Thomas fails to teach or suggest an apparatus wherein pairing is accomplished by speech signals using a unique encrypted key for a type and a model of the second wireless device. Thomas does not disclose any type of encryption and definitely not a unique encryption key based upon a type and model of a device. Thomas simply lacks this element from the present invention.

Furthermore, Haller fails to cure the deficiencies in Thomas because Haller does not disclose an apparatus wherein pairing is accomplished by speech signals from a wireless device

using a unique encrypted key for a type and a model of the second wireless device. The portion of Haller cited by Examiner at most discloses a human uttering codes to pair devices (Haller, Column 6, Lines 22-37). This requires human intervention that is not necessary in the present invention. The present invention can be automated based upon speech signals from one device to the other. This is not possible in Haller. Therefore, Haller cannot cure the deficiencies of Thomas. For at least this reason, the rejection should be withdrawn.

With respect to independent claims 20, 23, and 25, neither Thomas nor Haller, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Thomas fails to teach or suggest identifying, by a first wireless device, a second wireless device, including a type and a model of the second wireless device; requesting from a network, pairing information for the second wireless device; or receiving from the network, to the first wireless device, pairing information for the second wireless device. As stated above, a phone, for example, can identify the type and model of a hands-free set and pass on that identity to the network or select from identities within the phone. This allows the wireless device to gain the correct encrypted keys in order to establish an encrypted connection between the phone and hands-free set. As stated above, nowhere does Thomas disclose one wireless device identifying a second wireless device. At most, Thomas teaches logic that converts an IP or network address of a device into audible signals, or logic that converts an audible numeric IP or network address into a control signal. These network addresses are not “pairing information.”

Furthermore, Haller fails to cure the deficiencies in Thomas because Haller does not disclose identifying, by a first wireless device, a second wireless device, including a type and a model of the second wireless device; requesting from a network, pairing information for the

second wireless device; or receiving from the network, to the first wireless device, pairing information for the second wireless device. Haller, at most, discloses a human uttering codes to pair devices (Haller, Column 6, Lines 22-37). There is no identification of one device by another, no request for pairing information, and no receiving pairing information found in Haller. Haller simply lacks these elements. Therefore, Haller cannot cure the deficiencies of Thomas. For at least these reasons, the rejection should be withdrawn.

Thus, neither Thomas nor Haller, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Thomas or Haller. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in

any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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